

# ARKANSAS SUPREME COURT

No. CR 08-762

LEE MARK HARRIS  
Appellant

v.

STATE OF ARKANSAS  
Appellee

Opinion Delivered      December 19, 2008

PRO SE MOTION FOR  
APPOINTMENT OF COUNSEL  
[CIRCUIT COURT OF DESHA  
COUNTY, CR 2006-126]

MOTION DENIED.

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## PER CURIAM

In 2007, a jury convicted appellant Lee Mark Harris on a charge of possession of cocaine with intent to deliver and sentenced him to 960 months' imprisonment in the Arkansas Department of Correction. This court granted a motion by appellant that sought permission to proceed with an appeal of the judgment, although no record had been lodged within the required time. *Harris v. State*, CR 08-762 (Ark. Oct. 2, 2008) (per curiam). In that order, we directed appellant's retained counsel, Mr. Don Warren, to proceed with the appeal. Appellant, acting pro se, has filed a motion seeking appointment of counsel, apparently wishing to replace Mr. Warren with appointed counsel.

Mr. Warren has previously filed a motion to be relieved as counsel, which we denied. *Harris v. State*, CR 08-762 (Ark. Oct. 30, 2008) (per curiam). As we stated in our two previous opinions on this matter, under Arkansas Rule of Appellate Procedure—Criminal 16(a), once an attorney represents a defendant in a criminal matter, the attorney is obligated to continue representing the defendant until relieved by the appropriate court. *See Hammon v. State*, 347 Ark. 267, 65 S.W.3d 853 (2002). We will not relieve Mr. Warren or appoint other counsel to represent appellant without

cause. *See Warren v. State*, 351 Ark. 563, 97 S.W.3d 386 (2003) (per curiam); *James v. State*, 329 Ark. 58, 945 S.W. 2d 941 (1997) (per curiam).

Appellant states as reasons to grant the motion that he is indigent and that the issues are complex and his own skills limited, but he does not provide any explanation or cause in his motion as to why Mr. Warren may not be able to continue his representation. Appellant has not stated a reason to relieve Mr. Warren as counsel. *See Evans v. State*, 370 Ark. 427, 260 S.W.3d 265 (2007) (per curiam). Accordingly, we deny the motion to appoint counsel.

Motion denied.